IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 20711 of 2004

Between:

A.Simhachalam, S/o.Samudralu,
D.No.20-79, Opposite to Saibaba Temple, Dowlaiswaram,

East Godavari Dist.

..... PETITIONER

AND

1 Eastern Power Distribution Company of A.P.Limited,

Rajahmundry, rep.by its Divisional Engineer, Transformers.
2 Asst. Divisional Engineer, SPM Eastern Power Distribution

Company of A.P. Ltd., Bommuru, East Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ declaring that placing the petitioner under suspension on the basis of private complaint unconnected to the employment vide memo No.DE/ Trs/RJY/JAO/U2/D.No.749/2004 dated 10-06-2004 as illegal and arbitrary, and consequently set aside the same.

Counsel for the Petitioner: SMT.K.UDAYA SRI

Counsel for the Respondents: SMT.I.URMILA

The Court at the stage of admission made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.20711 OF 2004

ORDER:

The petitioner is working as a Syrang Grade I in the respondent-Company. A crime was registered against the petitioner in Crime No.244 of 2004 under Section 417 and 420 of the Indian Penal Code by the III Town Law and Order Police Station, Rajahmundry, on the basis of a complaint given by a lady. In pursuance of that complaint, the petitioner was arrested on 07.06.2004 and he was released on bail on 12.06.2004. On account of the arrest of the petitioner and his remaining in jail for more than 48 hours, the first respondent passed an order on 10.06.2004 placing him under suspension pending enquiry into the charges under regulation No.11 (b) of A.P.E.P.D.C.L. Employees Conduct and Disciplinary Regulations. The petitioner being aggrieved by the order of suspension dated 10.06.2004 approached this Court seeking to declare that the order of suspension as illegal and arbitrary and consequently to set aside the same.

2. It is an undisputed fact that a crime was registered against the petitioner for the offences under Section 417 and 420 I.P.C. at the instance of a lady, but it is no way concerned with the discharge of the official duties by the petitioner. The petitioner submits that he submitted an application for revocation of the order of suspension, but no orders have been passed by the first respondent.

3. Since the petitioner is under suspension for 5 months, it may be appropriate to direct the first respondent to consider the request of the petitioner for revocation of the order of suspension as the revocation of the order of suspension will not be detrimental to the functioning of the institution.

4. Having regard to the above circumstances, the first respondent is directed to

consider the request of the petitioner for revocation of the order of suspension by keeping in view the period of suspension the petitioner has already undergone and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

10th November, 2004

SKM

TO

1 The Divisional Engineer, Eastern Power Distribution

Company of A.P. Limited, Rajahmundry, Transformers.

2 The Asst. Divisional Engineer, SPM Eastern Power Distribution

Company of A.P. Ltd., Bommuru, East Godavari Dist.

3 Two C.D. Copies.